

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 20-cr-261 (DSD/TNL)

Plaintiff,

ARRAIGNMENT NOTICE

v.

&

ORDER

Aditya Raj Sharma,

Defendant.

This matter comes before the Court on Defendant Aditya Raj Sharma's Fourth Motion for Extension of Time to File Pretrial Motions, ECF No. 36, and Fourth Motion to Exclude Time Under the Speedy Trial Act, ECF No. 37. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 38. Defendant requests a two-month extension of the motions-filing and hearing dates as "all parties agree that more time is needed to continue settlement discussions before proceeding." ECF No. 36 at 1. The Government has no objection to the requested extension. The Court subsequently communicated with counsel via e-mail as to whether the arraignment set for May 27, 2021, could remain as previously scheduled.

Additionally, beginning on March 13, 2020, and continuing thereafter, the Honorable John R. Tunheim, Chief District Judge for the United States District Court for the District of Minnesota, has issued a series of General Orders in connection with the

COVID-19 pandemic, addressing, among other things, criminal proceedings and trials.¹ On April 29, 2021, Chief Judge Tunheim entered General Order No. 28, which allows limited in-person proceedings to start on May 3, 2021, for defendants who decline to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available. *See generally In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 28 (D. Minn. Apr. 29, 2021). General Order No. 28 states that because only limited in-person proceedings may be held each day, criminal proceedings may be continued until the date that the criminal proceeding takes place.

General Order No. 28 continues to encourage the use of videoconferencing in criminal proceedings and states that, with the defendant's consent, criminal proceedings will be conducted by videoconferencing, or telephone conferencing if videoconferencing is not reasonably available.² General Order No. 28 further provides that the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act to address delays attributable to COVID-19.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable

¹ All General Orders related to the COVID-19 pandemic may be found on the Court's website at <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>.

² *See also* General Order No. 27, which went into effect on March 25, 2021, vacated General Order No. 24, and extended the Court's authorization to conduct certain criminal proceedings via video or telephone conference pursuant to the CARES Act "[b]ecause the emergency created by the COVID-19 outbreak continues to materially affect the functioning of court operations in the District of Minnesota." *In re: Updated Guidance to Court Operations Under the Exigent Circumstances Created by COVID-19*, Gen. Order No. 27 (D. Minn. Mar. 24, 2021).

time necessary for effective preparation and to make efficient use of the parties' resources. Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Fourth Motion for Extension of Time to File Pretrial Motions, ECF No. 36, is **GRANTED**.

2. Defendant's Fourth Motion to Exclude Time Under the Speedy Trial Act, ECF No. 37, is **GRANTED**.

3. The period of time from **April 29 through July 27, 2021**, shall be excluded from Speedy Trial Act computations in this case.

4. **The arraignment hearing *shall remain scheduled* for May 27, 2021 at 1:30 p.m. before the undersigned. Defendant has indicated through counsel that he consents to arraignment by videoconference. ECF No. 39. Accordingly, the arraignment will now take place via Zoom. Log-in information will be provided to counsel in advance of the hearing.**

5. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **July 6, 2021**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

6. **Should Defendant file pretrial motions, counsel shall also file a letter on or before July 6, 2021, indicating whether Defendant consents to a motions hearing by videoconference.**

7. Counsel shall electronically file a letter on or before **July 6, 2021**, if no motions will be filed and there is no need for hearing.

8. All responses to motions shall be filed by **July 20, 2021**. D. Minn. LR 12.1(c)(2).

9. Any Notice of Intent to Call Witnesses shall be filed by **July 20, 2021**. D. Minn. LR. 12.1(c)(3)(A).

10. Any Responsive Notice of Intent to Call Witnesses shall be filed by **July 23, 2021**. D. Minn. LR 12.1(c)(3)(B).

11. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary;
or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

12. **If required, the motions hearing shall take place before the undersigned on July 27, 2021, at 1:30 p.m., in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).**

[Continued on next page.]

13. The trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for United States District Judge David S. Doty to confirm the new trial date.

Dated: May 3, 2021

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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